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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

Case No.: 12-CV-7530 (GBD/JCF)

v.

ANY AND ALL FUNDS ON DEPOSIT AT JPMORGAN CHASE ACCOUNT NUMBER 61442003 HELD IN THE NAME OF CIA MINERA AURIFERA SANTA ROSA SA, AKA COMARSA, et al.,

Defendants in rem.

NOTICE OF CLAIM PURSUANT TO SUPPLEMENTAL RULE G(5)

PLEASE TAKE NOTICE that by and through its undersigned counsel, Claimant Cia Minera San Simon S.A. ("San Simon"), by this notice makes a claim for certain property subject to the above-captioned proceeding, specifically:

1. Any and all funds on deposit at Banco de Comercio Account Number 02304512002007515282, held in the name of Cia Minera San Simon S.A.

Please take further notice that Claimant will rely upon the attached signed Claim pursuant to 18 U.S.C. §983(a)(4)(A) and Supplemental Rule G(5) of the Supplemental Rules for Certain Admiralty or Maritime and Asset Forfeiture Actions in support of its claim to the property, as well as an answer and any other dispositive motions to be filed subsequent to the filing of this Claim as provided by the applicable statutes and rules.

Case 1:12-cv-07530-GBD Document 41 Filed 02/07/13 Page 2 of 4

Dated:

February <u>7</u>, 2013

Respectfully submitted,

PROSKAUER ROSE LLP

Robert I Cleary

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Attorney for Cia Minera San Simon S.A.

Claim for Any and All Funds on Deposit and/or Seized from Banco de Comercio Account Number 02304512002007515282

I, JOSE ALBERTO TERRONES ALVARADO, am the General Manager of Claimant Cia Minera San Simon S.A. ("San Simon"). Under penalty of perjury, I hereby file this claim contesting the forfeiture of any and all funds in Banco de Comercio Account Number 02304512002007515282, identified as defendant-in-rem in the above-captioned action.

- 1. San Simon is making a claim contesting the forfeiture of any and all funds seized from and/or on deposit in Banco de Comercio Account Number 02304512002007515282, identified in the above-captioned action.
- San Simon is the owner of this account, as well as any and all funds contained therein and seized therefrom, and is identified as the named accountholder for the Banco de Comercio Account Number 02304512002007515282 in the Complaint.

I swear under penalty of perjury, pursuant to the laws of the United States, that the foregoing is

true and correct to the best of my information and belief.

JOSE ALBERTO TERRONES ALVARADO

Dated: Lima, February ____, 2013

Case 1:12-cv-07530-GBD Document 41 Filed 02/07/13 Page 4 of 4

CERTIFICATE OF SERVICE

I hereby certify that, on February 7, 2013, I caused a true and correct copy of the Notice of Claim to be served via CM/ECF system upon Preet Bharara, United States Attorney for the Southern District of New York, Sarah E. Paul, Assistant United States Attorney, and Paul Monteleoni, Assistant United States Attorney.

/s/ Robert J. Cleary Robert J. Cleary